

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SHANNON MURPHY,)	
)	
Petitioner,)	
)	
v)	Civil Action No. 2:07cv336-MEF
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Pursuant to the orders of this court, the United States has filed a response (Doc. No. 11) addressing petitioner Shannon Murphy's 28 U.S.C. § 2255 motion. In its response, the government contends that Murphy's § 2255 motion is barred because she expressly waived her right to directly or collaterally attack her sentence when entering her guilty plea.

Accordingly, it is

ORDERED that on or before July 6, 2007, Murphy may file a reply to the response filed by the government. Any documents or evidence filed after this date will not be considered by the court except upon a showing of exceptional circumstances. At any time after July 6, 2007, the court shall "determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the [court] shall make such disposition of the motion as justice dictates." Rule 8(a), *Rules Governing Section 2255 Proceedings in the United States District Courts*.

Murphy is instructed that when responding to the assertions contained in the

government's response, she may file sworn affidavits or other documents in support of her claims. Affidavits should set forth specific facts that demonstrate that Murphy is entitled to relief on the grounds presented in her § 2255 motion. If documents that have not previously been filed with the court are referred to in the affidavits, sworn or certified copies of those papers must be attached to the affidavits or served with them. When Murphy attacks the government's response by use of affidavits or other documents, the court will, at the appropriate time, consider whether to expand the record to include such materials. *See Rule 7, Rules Governing Section 2255 Proceedings in the United States District Courts.* Murphy is advised that upon expiration of the time for filing a response to this order, the court will proceed to consider the merits of the pending § 2255 motion pursuant to Rule 8(a).

Done this 14th day of June, 2007.

/s/Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE